REMARKS

In the Examiner's Response to Amendment mailed June 6, 2005, the Examiner held that the Response filed March 22, 2005 was not fully responsive to the prior Office Action. The Examiner gave Applicants one month to correct the omission in the previous Response.

In the previous response, Applicants elected species IIIC but there was no species IIIC in the Office Action. It is clear from Applicants' Response that Applicants intended to elect species IIC and the election of species IIIC was a clerical error. Applicants confirm their election of species IIC. The following is a copy of the Response filed March 22, 2005 with the correction made to the election.

In the Office Action, the Examiner required election of a species for prosecution in this application between Species A1-A(mixtures) as set forth in claims 56-58, Species B identified in claim 57, and Species C as identified in claim 58. This restriction requirement is respectfully traversed. The examiner is invited to provide support for this restriction requirement.

However, subject to the traversal and with a reservation of right to petition the Commissioner with respect to this Restriction Requirement, Applicants elect the species C, claim 58. Claims 56 and 58 are readable on this specie.

Further, the Examiner has alleged that the claims are directed to patentably distinct species of the claimed invention and Applicants are required under 35 U.S.C. § 121 to elect a single disclosed species for prosecution on the merits. In particular, the following species are set forth as required restriction:

- Species I – claim 60;
- Species II – claims 61 and 62;
- Species III – claim 63;
- Species IV – claim 64; and
- Species V – claim 65.

Applicants traverse the requirement for restriction and elect Species II, claims 61 and 62. Claims 45, 61 and 62 are readable on this species.

In view of the fact that Applicants have not elected Specie I, Applicants are not required to elect any species of 1A-1E.

With respect to the further election of species regarding Specie II, Applicants elect species II C, a thermoplastic film with a microbe-cidal agent incorporated therein. Claims 45, 61, 62 and 63 are readable on this specie.

Since Applicants did not elect Specie IV, Applicants are not required to elect any of the Examiner's requirements of species IIIA, IIIB.

Applicants believe that the restriction requirement is interposed for delay not for purposes of furthering the prosecution in this application. This application has been pending for more than four (4) years, initially with a Notice of Allowance wherein the final fee was paid and the application was then withdrawn from issue. Applicants believe that the Examiner is not conducting this examination according to the law and requests reconsideration of this election requirement. These claims have been in the application since the filing date and no restriction requirement of this nature has been required before.

Applicants believe that all of the claims are in condition for allowance based on the Examiner's more than four years of examination in this application. If the Examiner cannot come to a resolution of the patentability of the claims in this application, Applicants believe that the application should be transferred to another Examiner for further prosecution.

Respectfully submitted,

Matthew Denesuk and Eugenie V. Uhlmann

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By: _____

John E. McGarry, Reg. No. 22,360
McGarry Bair PC
171 Monroe Avenue, NW, Suite 600
Grand Rapids, Michigan 49503
616-742-3500

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